REMARKS

Claims 28, 32, 36 and 37 have been amended. No claims have been cancelled, and no new claims have been added. Claims 1-27 were earlier withdrawn. Claims 28-44 are pending.

Disclaimers Relating to Claim Interpretation and Prosecution History Estoppel

Claims have been amended, and claims have been canceled, notwithstanding the belief that these claims were allowable. Except as specifically admitted below, no claim elements have been narrowed. Rather, cosmetic amendments have been made to the claims to broaden them in view of the cited art. Claims have been amended solely for the purpose of expediting the patent application process, and the amendments were not necessary for patentability.

The claims of this application are intended to stand on their own and are not to be read in light of the prosecution history of any related or unrelated patent or patent application. Furthermore, no arguments in any prosecution history relate to any claim in this application, except for arguments specifically directed to the claim.

Claim Rejections - 35 USC § 102(e)

The Examiner rejected claims 28-34, 36, 37, 39-40, 42 and 43 under 35 USC § 102(e) as anticipated by Tuomenoksa (US 7,181,542). This rejection is respectfully traversed.

As to claims 28 and 32, the cited portions of Tuomenoksa fail to disclose two computing devices performing the recited actions. In contrast, Tuomenoksa requires a third processor to orchestrate the relationship between the other two processors.

In addition, claims 28 and 32 have been amended. Claims 28 and 32 have been amended to recite "the connection request causing the second computing device to wait on the communication channel for additional requests from the first computing device". Tuomenoksa does not disclose "the connection request causing the second computing device to wait on the communication channel for additional requests from the first computing device".

In addition, claim 28 as amended recites "forwarding to the first computing device via the communication channel incoming data units received by the network device over the second

network, the incoming data units specifying the network device as a destination", and claim 32 as amended recites forwarding to the first computing device via the communication channel incoming data units received by the specified network interface over the second network, the incoming data units specifying the network device as a destination". Tuomenoksa does not disclose that the incoming data units that are forwarded to the first computing device specify the network device of the second computing device as a destination.

As to claim 36, the cited portions of Tuomenoksa fail to disclose what is claimed. Col. 30, lines 45-57 discloses that "the gateway 1610 may send to the tunnel interface module 1630 an initiation message … and a name for the gateway 1610". This does not teach "establishing over a first network a communication channel between the first computing device and the second computing device". Col. 29, lines 57-65 teaches that "gateway 1610 may include a gateway daemon … [and] a TCP tunnel driver". This does not teach "associating a network interface of the network device with the communication channel". Col. 31, lines 14-23 teaches that multiple clients may communicate over gateway 1610 via one or more tunnels with network operations center 610. This does not teach "receiving over a second network incoming data units directed to the network interface of the network device" and "forwarding the incoming data units to the first computing device via the communication channel".

The analysis of claim 36 also applies to claim 39.

In addition, as to claim 39, the cited portions of Tuomenoksa fail to disclose what is claimed. As to teaching a network testing system, there is no teaching of the claimed "network testing system having a processor, a memory, an operating system, and at least one network card". The actions recited at col. 21, lines 1-4 are merely steps taken to "determine whether the gateway is accessible behind a firewall". That the actions recited maybe performed by a network testing system does not allow for the conclusion that the cited portion teaches the elements of the claimed network testing system. In addition, the cited portions of Tuomenoksa fail to disclose the claimed actions.

As set forth in this section, Tuomenoksa fails to disclose all of the limitations recited in claims 28, 32, 36, and 39. Therefore, claims 28, 32, 36, and 39 are patentable over Tuomenoksa.

Moreover, all claims depending on independent claims 28, 32, 36, and 39 are patentable over Tuomenoksa by virtue of their dependency on the independent claims.

Claim Rejections - 35 USC § 103(a)

The Examiner rejected claims 42-44 under 35 USC § 103(a) as rendered obvious by Tuomenoksa. This rejection is respectfully traversed.

Claim 42 is patentable over Tuomenoksa for the reasons set forth above regarding the § 102 anticipation rejection of claim 39. Therefore, claims 42 and all claims dependent thereon are patentable over Tuomenoksa.

Conclusion

It is submitted, however, that the independent and dependent claims include other significant and substantial recitations which are not disclosed in the cited references. Thus, the claims are also patentable for additional reasons. However, for economy the additional grounds for patentability are not set forth here.

In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

The Examiner is invited to call the undersigned to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Respectfully submitted,

Date: September 23, 2008

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